



### **JURISDICTION AND VENUE**

2. This Court has original subject matter jurisdiction over the instant action pursuant to 28 U.S.C. §§1331 and 1343(a)(4) because it arises under the laws of the United States and seeks redress for violations of civil rights under the FLSA.

3. This Court may also assert supplemental jurisdiction over Plaintiff's state law claims as they arise out of the same nucleus of operative facts as her federal law claims.

4. This Court may properly maintain personal jurisdiction over Defendants because their contacts with this state and this judicial district are sufficient for the exercise of jurisdiction in order to comply with traditional notions of fair play and substantial justice, satisfying the standard set forth by the United States Supreme Court in International Shoe Co. v. Washington, 326 U.S. 310 (1945) and its progeny.

4. Pursuant to 28 U.S.C. §1391(b)(1) and (b)(2), venue is properly laid in this district because all of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district.

### **PARTIES**

5. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

6. Plaintiffs are adult individuals, with addresses as set forth in the caption.

7. Correct Choice Home Care, LLC (hereinafter referred to as "Defendant Entity") is a home care agency located in Philadelphia, Pennsylvania.

8. Defendant Joshua Walker (hereinafter referred to as "Defendant Walker") is the owner of Defendant Entity who controls and manages the terms and conditions of employment

for employees (including Plaintiff), including but not limited to their base and overtime compensation.

9. At all times relevant herein, Defendants acted by and through its agents, servants and/or employees, each of whom acted at all times relevant herein in the course and scope of their employment with and for Defendants.

### **FACTUAL BACKGROUND**

10. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

11. Plaintiff was employed with Defendants as a Direct Care Worker (“DCW”) from in or about September of 2021 through on or about September 23, 2022.

12. As a DCW, Plaintiff and similarly situated current and former employees would provide personal in-home care services to various clients of Defendants, which would include but was not limited to feeding, bathing, dressing, cooking, running errands, bed and bathroom transfers, and providing them assistance in all other aspects of their daily lives.<sup>1</sup>

13. Plaintiff and similarly situated current and former employees were at all times relevant herein unequivocally non-exempt employees who should have been paid overtime for all hours worked over 40 hours per week at a rate of time and one half

14. During Plaintiff’s employment with Defendants, she was paid an hourly rate which ranged between approximately \$12.00 and \$13.00 per hour (with \$13.00 per hour being her last hourly rate before her separation).

15. While employed with Defendants, Plaintiff and similarly situated current and former employees often worked over 40 hours per week.

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<sup>1</sup> Plaintiff and similarly situated employees were controlled and managed by Defendants, not by the client. Plaintiff was subjected to the rules, policies, and procedures set forth by Defendants.

16. In or about late 2021, Plaintiff began to work over 40 hours per week and at times worked between 12-44 hours of overtime per week.

17. Despite consistently working over 40 hours per week, Plaintiff worked approximately three and a half months between in or about December of 2021 and April of 2022 and was not paid time and one half for any hours that she worked over 40 hours in one week.

18. Instead, during the aforesaid time period, Defendants only ever paid Plaintiff her regular hourly rate of \$13.00 per hour for every hour that she worked. *See* Examples of Plaintiff's paystubs, attached hereto as "Exhibit A."

19. Only after Plaintiff complained on numerous occasions to Defendant Walker that she was not being properly paid overtime compensation did he begin to generally pay her time and one half for hours that she worked over 40 hours in one week.

20. However, Plaintiff is still owed the overtime compensation that Defendants failed to properly pay her during the aforesaid time period.

21. Upon information and belief, other current and former employees of Defendants, who were/are similarly situated to Plaintiff, worked and/or still work over 40 hours a week for Defendants but were/are not properly paid overtime compensation for said hours.

22. Defendants' actions have been willful and intentional, as they have perpetuated a payroll scheme to deprive Plaintiff and similarly situated current and former employees of substantial overtime compensation.

**First Cause of Action**  
**Violations of the Fair Labor Standards Act ("FLSA")**  
**(Failure to Pay Overtime Compensation)**  
**-Collective Action-**  
**-Against Both Defendants-**

23. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

24. At all times relevant herein, Defendants have and continue to be employers within the meaning of the Fair Labor Standards Act, 29 U.S.C. §203 ("FLSA").

25. At all times relevant herein, Defendants were responsible for paying wages to Plaintiff and all other similarly situated current and former employees.

26. At all times relevant herein, Plaintiff, and others like her, were employed with Defendants as "employee[s]" within the meaning of the FLSA.

27. The FLSA requires covered employers, such as Defendants, to minimally compensate its "non-exempt" employees, such as Plaintiff and similarly situated current and former employees, 1.5 times the employees' regular rate of pay for each hour that the employee works over 40 in a workweek.

28. At all times during their employment with Defendants, Plaintiff and similarly situated current and former employees were "non-exempt" employees within the meaning of the FLSA

29. Defendants failed to pay Plaintiff and similarly situated current and former employees 1.5 times their regular rate of pay for every hour they worked over 40 each workweek.

30. As a result of Defendants' failure to pay Plaintiff and similarly situated current and former employees the overtime compensation due to them, Defendants violated the FLSA

and caused Plaintiff and others like her to suffer damages in the form of unpaid overtime compensation.

31. Defendant Walker is personally liable for such violations because he personally oversaw payroll, willfully committed wage and hour violations, and perpetuated the aforesaid unlawful practices.

32. Plaintiff and similarly situate current and former employee therefore seek all remedies permitted under the FLSA for unpaid wages, as well as penalties and interest.

**Second Cause of Action**  
**Violations of the Pennsylvania Minimum Wage Act**  
**(Failure to Pay Overtime Compensation)**  
**-Class Action-**  
**-Against Both Defendants-**

33. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

34. Plaintiff re-asserts and re-alleges each and every allegation as set forth in Plaintiff's First Cause of Action.

35. These actions as aforesaid constitute violations of the Pennsylvania Minimum Wage Act.

**WHEREFORE**, Plaintiff prays that this Court enter an Order providing that:

A. Defendants are to compensate Plaintiff[s], reimburse Plaintiff[s], and make Plaintiff[s] whole for any and all pay and benefits Plaintiff[s] would have received had it not been for Defendant's illegal actions, including but not limited to back pay, overtime compensation, wages, benefits, and other damages permitted by law;

B. Plaintiff[s] are to be awarded liquidated damages, as permitted by applicable law, in an amount believed by the Court or trier of fact to be appropriate to punish Defendants for their willful, deliberate, malicious and outrageous conduct;

C. Plaintiff[s] are to be accorded other equitable and legal relief as the Court deems just, proper, and appropriate;

D. Plaintiff[s] are to be awarded the costs and expenses of this action and reasonable attorney's fees as provided by applicable federal and state law.

E. Plaintiff[s] shall be permitted to have a trial by jury as requested in the caption of this Complaint.

Respectfully submitted,

**KARPF, KARPF & CERUTTI, P.C.**



By: \_\_\_\_\_

Ari R. Karpf, Esquire  
3331 Street Road  
Two Greenwood Square, Suite 128  
Bensalem, PA 19020  
(215) 639-0801

Dated: November 30, 2022

# Exhibit A



Company Code      Loc/Dept      Number      Page  
 KH / AOA 25109529      01/      2414677      1 of 1  
 Correct Choice Home Care Llc  
 714 W Porter St  
 Philadelphia, PA 19148

**Earnings Statement**

Period Starting:      12/18/2021  
 Period Ending:      12/31/2021  
 Pay Date:      01/07/2022

Taxable Marital Status:      Single  
 Exemptions/Allowances:      Tax Override:  
     Federal:      1      Federal:      0.00 Addnl  
     State:      0      State:  
     Local:      0      Local:  
 Social Security Number:      XXX-XX-XXXX

**Khaleelah Everett**  
**2101 S Simpson Street**  
**Philadelphia, PA 19143**

<u>Earnings</u>	<u>rate</u>	<u>hours/units</u>	<u>this period</u>	<u>year to date</u>
Regular	12.5000	85.50	1068.75	1068.75
<b>Gross Pay</b>			<b>\$1,068.75</b>	\$1,068.75

<u>Other Benefits and Information</u>	<u>this period</u>	<u>year to date</u>
Total Hours Worked	85.50	85.50

<u>Statutory Deductions</u>	<u>this period</u>	<u>year to date</u>
Federal Income	-80.42	80.42
Social Security	-66.26	66.26
Medicare	-15.50	15.50
Pennsylvania State Income	-32.81	32.81
Pennsylvania State UI	-0.64	0.64
Phila R Local Income	-41.04	41.04
<b>Net Pay</b>	<b>\$832.08</b>	

<u>Deposits account number</u>	<u>transit/ABA</u>	<u>amount</u>
XXXXXX3929	XXXXXXXXXX	832.08

**Important Notes**  
 Basis of pay: Hourly

Your federal taxable wages this period are \$1,068.75

Correct Choice Home Care Llc  
 714 W Porter St  
 Philadelphia, PA 19148

**Pay Date:**      01/07/2022

<u>Deposited to the account</u>	<u>account number</u>	<u>transit/ABA</u>	<u>amount</u>
Checking DirectDeposit	XXXXXX3929	XXXXXXXXXX	832.08

**THIS IS NOT A CHECK**

Khaleelah Everett  
 2101 S Simpson Street  
 Philadelphia, PA 19143

Company Code      Loc/Dept      Number      Page  
 KH / AOA 25109529      01/      2450134      1 of 1  
 Correct Choice Home Care Llc  
 714 W Porter St  
 Philadelphia, PA 19148

**Earnings Statement**

Period Starting:      01/01/2022  
 Period Ending:      01/14/2022  
 Pay Date:      01/21/2022

Taxable Marital Status:      Single  
 Exemptions/Allowances:      Tax Override:  
     Federal:      1      Federal:      0.00 Addnl  
     State:      0      State:  
     Local:      0      Local:  
 Social Security Number:      XXX-XX-XXXX

**Khaleelah Everett**  
**2101 S Simpson Street**  
**Philadelphia, PA 19143**

<u>Earnings</u>	<u>rate</u>	<u>hours/units</u>	<u>this period</u>	<u>year to date</u>
Regular	13.0000	105.00	1365.00	2433.75
<b>Gross Pay</b>			<b>\$1,365.00</b>	\$2,433.75

<u>Other Benefits and Information</u>	<u>this period</u>	<u>year to date</u>
Total Hours Worked	105.00	190.50

<u>Statutory Deductions</u>	<u>this period</u>	<u>year to date</u>
Federal Income	-115.97	196.39
Social Security	-84.63	150.89
Medicare	-19.79	35.29
Pennsylvania State Income	-41.91	74.72
Pennsylvania State UI	-0.82	1.46
Phila R Local Income	-52.41	93.45
<b>Net Pay</b>	<b>\$1,049.47</b>	

<u>Deposits account number</u>	<u>transit/ABA</u>	<u>amount</u>
XXXXXX3929	XXXXXXXXXX	1049.47

**Important Notes**  
 Basis of pay: Hourly

Your federal taxable wages this period are \$1,365.00

Correct Choice Home Care Llc  
 714 W Porter St  
 Philadelphia, PA 19148

**Pay Date:**      01/21/2022

<u>Deposited to the account</u>	<u>account number</u>	<u>transit/ABA</u>	<u>amount</u>
Checking DirectDeposit	XXXXXX3929	XXXXXXXXXX	1049.47

**THIS IS NOT A CHECK**

Khaleelah Everett  
 2101 S Simpson Street  
 Philadelphia, PA 19143

Company Code      Loc/Dept      Number      Page  
 KH / AOA 25109529      01/      2492308      1 of 1  
 Correct Choice Home Care Llc  
 714 W Porter St  
 Philadelphia, PA 19148

**Earnings Statement**

Period Starting:      01/15/2022  
 Period Ending:      01/28/2022  
 Pay Date:      02/04/2022

Taxable Marital Status:      Single  
 Exemptions/Allowances:      Tax Override:  
     Federal:      1      Federal:      0.00 Addnl  
     State:      0      State:  
     Local:      0      Local:  
 Social Security Number:      XXX-XX-XXXX

**Khaleelah Everett**  
**2101 S Simpson Street**  
**Philadelphia, PA 19143**

<u>Earnings</u>	<u>rate</u>	<u>hours/units</u>	<u>this period</u>	<u>year to date</u>
Regular	13.0000	112.75	1465.75	3899.50
<b>Gross Pay</b>			<b>\$1,465.75</b>	<b>\$3,899.50</b>

<u>Other Benefits and Information</u>	<u>this period</u>	<u>year to date</u>
Total Hours Worked	112.75	303.25

<u>Statutory Deductions</u>	<u>this period</u>	<u>year to date</u>
Federal Income	-128.06	324.45
Social Security	-90.88	241.77
Medicare	-21.25	56.54
Pennsylvania State Income	-45.00	119.72
Pennsylvania State UI	-0.88	2.34
Phila R Local Income	-56.28	149.73
<b>Net Pay</b>	<b>\$1,123.40</b>	

<u>Deposits account number</u>	<u>transit/ABA</u>	<u>amount</u>
XXXXXX3929	XXXXXXXXXX	1123.40

**Important Notes**

Basis of pay: Hourly

Your federal taxable wages this period are \$1,465.75

Correct Choice Home Care Llc  
 714 W Porter St  
 Philadelphia, PA 19148

**Pay Date:**      02/04/2022

<u>Deposited to the account</u>	<u>account number</u>	<u>transit/ABA</u>	<u>amount</u>
Checking DirectDeposit	XXXXXX3929	XXXXXXXXXX	1123.40

**THIS IS NOT A CHECK**

Khaleelah Everett  
 2101 S Simpson Street  
 Philadelphia, PA 19143

Company Code KH / AOA 25109529 Loc/Dept 01/ Number 2530466 Page 1 of 1  
 Correct Choice Home Care Llc  
 714 W Porter St  
 Philadelphia, PA 19148

**Earnings Statement**

Period Starting: 01/29/2022  
 Period Ending: 02/11/2022  
 Pay Date: 02/18/2022

Taxable Marital Status: Single  
 Exemptions/Allowances: Tax Override:  
 Federal: 1 Federal: 0.00 Addnl  
 State: 0 State:  
 Local: 0 Local:  
 Social Security Number: XXX-XX-XXXX

**Khaleelah Everett**  
**2101 S Simpson Street**  
**Philadelphia, PA 19143**

Earnings	rate	hours/units	this period	year to date
Regular	13.0000	120.00	1560.00	5459.50
<b>Gross Pay</b>			<b>\$1,560.00</b>	<b>\$5,459.50</b>

Other Benefits and Information	this period	year to date
Total Hours Worked	120.00	423.25

Statutory Deductions	this period	year to date
Federal Income	-139.37	463.82
Social Security	-96.72	338.49
Medicare	-22.62	79.16
Pennsylvania State Income	-47.89	167.61
Pennsylvania State UI	-0.94	3.28
Phila R Local Income	-59.90	209.63
<b>Net Pay</b>	<b>\$1,192.56</b>	

Deposits account number	transit/ABA	amount
XXXXXX3929	XXXXXXXXXX	1192.56

**Important Notes**  
 Basis of pay: Hourly

Your federal taxable wages this period are \$1,560.00

Correct Choice Home Care Llc  
 714 W Porter St  
 Philadelphia, PA 19148

**Pay Date:** 02/18/2022

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXX3929	XXXXXXXXXX	1192.56

**THIS IS NOT A CHECK**

Khaleelah Everett  
 2101 S Simpson Street  
 Philadelphia, PA 19143

Company Code      Loc/Dept      Number      Page  
 KH / AOA 25109529      01/      2568227      1 of 1  
 Correct Choice Home Care Llc  
 714 W Porter St  
 Philadelphia, PA 19148

**Earnings Statement**

Period Starting:      02/12/2022  
 Period Ending:      02/25/2022  
 Pay Date:      03/04/2022

Taxable Marital Status:      Single  
 Exemptions/Allowances:      Tax Override:  
     Federal:      1      Federal:      0.00 Addnl  
     State:      0      State:  
     Local:      0      Local:  
 Social Security Number:      XXX-XX-XXXX

**Khaleelah Everett**  
**2101 S Simpson Street**  
**Philadelphia, PA 19143**

<u>Earnings</u>	<u>rate</u>	<u>hours/units</u>	<u>this period</u>	<u>year to date</u>
Regular	13.0000	168.00	2184.00	7643.50
<b>Gross Pay</b>			<b>\$2,184.00</b>	\$7,643.50

<u>Other Benefits and Information</u>	<u>this period</u>	<u>year to date</u>
Total Hours Worked	168.00	591.25

<u>Statutory Deductions</u>	<u>this period</u>	<u>year to date</u>
Federal Income	-238.71	702.53
Social Security	-135.41	473.90
Medicare	-31.67	110.83
Pennsylvania State Income	-67.05	234.66
Pennsylvania State UI	-1.31	4.59
Phila R Local Income	-83.86	293.49
<b>Net Pay</b>	<b>\$1,625.99</b>	

<u>Deposits account number</u>	<u>transit/ABA</u>	<u>amount</u>
XXXXXX3929	XXXXXXXXXX	1625.99

**Important Notes**

Basis of pay: Hourly

Your federal taxable wages this period are \$2,184.00

Correct Choice Home Care Llc  
 714 W Porter St  
 Philadelphia, PA 19148

**Pay Date:**      03/04/2022

<u>Deposited to the account</u>	<u>account number</u>	<u>transit/ABA</u>	<u>amount</u>
Checking DirectDeposit	XXXXXX3929	XXXXXXXXXX	1625.99

**THIS IS NOT A CHECK**

Khaleelah Everett  
 2101 S Simpson Street  
 Philadelphia, PA 19143

Company Code      Loc/Dept      Number      Page  
 KH / AOA 25109529      01/      2606658      1 of 1  
 Correct Choice Home Care Llc  
 714 W Porter St  
 Philadelphia, PA 19148

**Earnings Statement**

Period Starting:      02/26/2022  
 Period Ending:      03/11/2022  
 Pay Date:      03/18/2022

Taxable Marital Status:      Single  
 Exemptions/Allowances:      Tax Override:  
     Federal:      1      Federal:      0.00 Addnl  
     State:      0      State:  
     Local:      0      Local:  
 Social Security Number:      XXX-XX-XXXX

**Khaleelah Everett**  
**2101 S Simpson Street**  
**Philadelphia, PA 19143**

<u>Earnings</u>	<u>rate</u>	<u>hours/units</u>	<u>this period</u>	<u>year to date</u>
Regular	13.0000	120.00	1560.00	9203.50
<b>Gross Pay</b>			<b>\$1,560.00</b>	\$9,203.50

<u>Other Benefits and Information</u>	<u>this period</u>	<u>year to date</u>
Total Hours Worked	120.00	711.25

<u>Statutory Deductions</u>	<u>this period</u>	<u>year to date</u>
Federal Income	-139.37	841.90
Social Security	-96.72	570.62
Medicare	-22.62	133.45
Pennsylvania State Income	-47.89	282.55
Pennsylvania State UI	-0.93	5.52
Phila R Local Income	-59.90	353.39
<b>Net Pay</b>	<b>\$1,192.57</b>	

<u>Deposits account number</u>	<u>transit/ABA</u>	<u>amount</u>
XXXXXX3929	XXXXXXXXXX	1192.57

**Important Notes**

Basis of pay: Hourly

Your federal taxable wages this period are \$1,560.00

Correct Choice Home Care Llc  
 714 W Porter St  
 Philadelphia, PA 19148

**Pay Date:**      03/18/2022

<u>Deposited to the account</u>	<u>account number</u>	<u>transit/ABA</u>	<u>amount</u>
Checking DirectDeposit	XXXXXX3929	XXXXXXXXXX	1192.57

**THIS IS NOT A CHECK**

Khaleelah Everett  
 2101 S Simpson Street  
 Philadelphia, PA 19143

Company Code      Loc/Dept      Number      Page  
 KH / AOA 25109529      01/      2644663      1 of 1  
 Correct Choice Home Care Llc  
 714 W Porter St  
 Philadelphia, PA 19148

**Earnings Statement**

Period Starting:      03/12/2022  
 Period Ending:      03/25/2022  
 Pay Date:      04/01/2022

Taxable Marital Status:      Single  
 Exemptions/Allowances:      Tax Override:  
     Federal:      1      Federal:      0.00 Addnl  
     State:      0      State:  
     Local:      0      Local:  
 Social Security Number:      XXX-XX-XXXX

**Khaleelah Everett**  
**2101 S Simpson Street**  
**Philadelphia, PA 19143**

<u>Earnings</u>	<u>rate</u>	<u>hours/units</u>	<u>this period</u>	<u>year to date</u>
Regular	13.0000	116.50	1514.50	10718.00
<b>Gross Pay</b>			<b>\$1,514.50</b>	\$10,718.00

<u>Other Benefits and Information</u>	<u>this period</u>	<u>year to date</u>
Total Hours Worked	116.50	827.75

<u>Statutory Deductions</u>	<u>this period</u>	<u>year to date</u>
Federal Income	-133.91	975.81
Social Security	-93.90	664.52
Medicare	-21.96	155.41
Pennsylvania State Income	-46.50	329.05
Pennsylvania State UI	-0.91	6.43
Phila R Local Income	-58.15	411.54
<b>Net Pay</b>	<b>\$1,159.17</b>	

<u>Deposits account number</u>	<u>transit/ABA</u>	<u>amount</u>
XXXXXX3929	XXXXXXXXXX	1159.17

**Important Notes**  
 Basis of pay: Hourly

Your federal taxable wages this period are \$1,514.50

Correct Choice Home Care Llc  
 714 W Porter St  
 Philadelphia, PA 19148

**Pay Date:**      04/01/2022

<u>Deposited to the account</u>	<u>account number</u>	<u>transit/ABA</u>	<u>amount</u>
Checking DirectDeposit	XXXXXX3929	XXXXXXXXXX	1159.17

**THIS IS NOT A CHECK**

Khaleelah Everett  
 2101 S Simpson Street  
 Philadelphia, PA 19143

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Khaleelah Everett

v.

CIVIL ACTION

NO.

Correct Choice Home Care, LLC, et al.


In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

11/30/2022

**Date**

  
**Attorney-at-law**

**Plaintiff**

**Attorney for**

(215) 639-0801

**Telephone**

(215) 639-4970

**FAX Number**

akarpf@karpf-law.com

**E-Mail Address**



**DESIGNATION FORM**

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 2101 S. Simpson Street, Philadelphia, PA 19142

Address of Defendant: 714 W. Porter Street, Philadelphia, PA 19148

Place of Accident, Incident or Transaction: Defendants place of business

**RELATED CASE, IF ANY:**

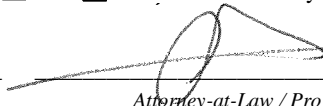
Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 11/30/2022

  
Attorney-at-Law / Pro Se Plaintiff

ARK2484 / 91538

Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- |                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/>            | 1. Indemnity Contract, Marine Contract, and All Other Contracts |
| <input type="checkbox"/>            | 2. FELA   |
| <input type="checkbox"/>            | 3. Jones Act-Personal Injury                                    |
| <input type="checkbox"/>            | 4. Antitrust  |
| <input type="checkbox"/>            | 5. Patent   |
| <input type="checkbox"/>            | 6. Labor-Management Relations                                   |
| <input checked="" type="checkbox"/> | 7. Civil Rights   |
| <input type="checkbox"/>            | 8. Habeas Corpus  |
| <input type="checkbox"/>            | 9. Securities Act(s) Cases                                      |
| <input type="checkbox"/>            | 10. Social Security Review Cases                                |
| <input type="checkbox"/>            | 11. All other Federal Question Cases                            |

(Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | 1. Insurance Contract and Other Contracts        |
| <input type="checkbox"/> | 2. Airplane Personal Injury                      |
| <input type="checkbox"/> | 3. Assault, Defamation                           |
| <input type="checkbox"/> | 4. Marine Personal Injury                        |
| <input type="checkbox"/> | 5. Motor Vehicle Personal Injury                 |
| <input type="checkbox"/> | 6. Other Personal Injury (Please specify): _____ |
| <input type="checkbox"/> | 7. Products Liability                            |
| <input type="checkbox"/> | 8. Products Liability – Asbestos                 |
| <input type="checkbox"/> | 9. All other Diversity Cases                     |

(Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

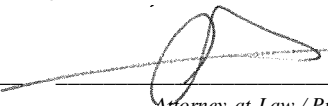
(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Ari R. Karpf, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 11/30/2022

  
Attorney-at-Law / Pro Se Plaintiff

ARK2484 / 91538

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

